

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHRISTIAN HORNBECK,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:22 CV 345 CDP
)	
ARCHDIOCESE OF ST. LOUIS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before me on plaintiff's motion for leave to file a second amended complaint. This case was originally filed in state court and removed here on March 24, 2022. Defendant Sisters of St. Joseph of Carondelet, St. Louis Province, opposes amendment on the ground that plaintiff has already been granted leave to amend his complaint. No other defendants oppose amendment, and their time for filing an opposition has expired.


Rule 15 of the Federal Rules of Civil Procedure provides that "the court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). Under this liberal standard, "[a] district court may deny leave to amend if there are compelling reasons such as undue delay, bad faith, or dilatory motive, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the non-moving party, or futility of the amendment." *Reuter v. Jax Ltd., Inc.*, 711 F.3d 918, 922 (8th Cir. 2013) (cleaned up).

While the Court is not unsympathetic to the arguments of defendant, under the liberal standards applicable to amendment, and given the procedural posture of this case, the Court will grant plaintiff leave to amend once more. However, plaintiff will not be permitted to counter future motions to dismiss by seeking leave to amend his complaint.

Accordingly,

IT IS HEREBY ORDERED that the motion to amend [47] is granted, and the second amended complaint is deemed filed as of this date.

IT IS FURTHER ORDERED that the motions to dismiss directed at the amended complaint [31, 33] are denied as moot.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 1st day of August, 2022.